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IN THE SENATE OF THE UNITED STATES.

JULY 29, 1856.—Ordered to be printed.

Mr. MASON submitted the following

REPORT:

[To accompany Bill S. 405.]

Mr. Mason, from the Committee on Foreign Relations, to whom was referred the "Bill (S. 405) to provide for carrying into effect the first article of the treaty between the United States and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, of the 15th day of June, one thousand eight hundred and fifty-six," submitted the following:

DEPARTMENT OF STATE,
Washington, February 18, 1856.

SIR: I have the honor to invite your attention to that part of the President's last annual message in which an appropriation is recommended for the purpose of surveying and marking the boundary between the Territory of Washington and the contiguous British possessions.

The letter of the department to Mr. Hunter, chairman of the Committee on Finance of the Senate, of the 15th of July, 1854, a copy of which and of the estimate to which it refers are herewith enclosed, will serve as data for the appropriation. The expediency of an appropriation, without any delay which can be avoided, is further manifest from the note of Mr. Crampton to the department of the 9th instant, a copy of which is also herewith transmitted.

I have the honor, &c.,

W. L. MARCY.

Hon. JAMES M. MASON,
Chairman of the Committee on Foreign Relations, Senate.

DEPARTMENT OF STATE,
Washington, July 15, 1854.

SIR: I transmit a copy of a letter of the —— instant, which I addressed to the Secretary of the Interior, upon the subject of a demarcation of the boundary between the United States and the British possessions on the northwest, pursuant to the treaty of 1846. It is

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understood that Governor McClelland referred the letter to Mr. Robert B. Campbell for an estimate. A transcript of Mr. Campbell's letter to the Department of the Interior, and of the accompanying estimate, are also herewith transmitted, and I have the honor to request that an appropriation for the purpose may be made at this session of Congress. It is believed that a sum of fifty thousand dollars, in addition to that mentioned in the estimate, will be required for marking, under the direction of the Coast Survey, the line from the middle of the channel which separates the continent from Vancouver's island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific ocean.

I have, &c.,

W. L. MARCY.

Hon. R. M. T. HUNTER,
Chairman of the Committee on Finance, Senate.

WASHINGTON, *February* 9, 1856.

SIR: I have been instructed by her Majesty's government to call the serious attention of the government of the United States to the unsatisfactory and hazardous state of things which continues to exist on the boundary which divides the Territory of Washington from the British possessions occupied by the Hudson's Bay Company; and her Majesty's government direct me to express their regret that their repeated remonstrances have not led to any measures which seem to have succeeded in restraining the acts of the authorities of that Territory.

I have already had the honor of addressing your department (in a note to Mr. Hunter) on the 27th of July last, respecting the depredations committed on the property of the Hudson's Bay Company in the island of San Juan, by Mr. Ellis Barnes, sheriff of Whatcom county, Washington Territory, in virtue of an alleged claim for taxes due to the authorities of the Territory; and I have now the honor to enclose the copy of a further letter from the governor of the Hudson's Bay Company, together with accompanying documents in regard to the same matter—from which it appears that no reparation whatever has been made to that company for the heavy losses which they incurred on that occasion.

You will at once perceive, sir, that the occurrence in question has arisen out of the conflicting claims of the authorities of Vancouver's Island and of Washington Territory to the jurisdiction of the island of San Juan, as appertaining, under the provisions of the treaty between Great Britain and the United States, of 1846, to the dominions of their respective governments.

San Juan is one of the small islands lying in the gulf of Georgia, between Vancouver's island and the main land, and the question which has arisen between the parties regards the position of the channel through the middle of which, by the provisions of the treaty of 1846, the boundary line is to be run.

In the early part of 1848 I had the honor, by the instructions of her Majesty's government, to propose to the government of the United States to name a joint commission for the purpose of making out the northwest boundary, and more particularly that part of it in the neighborhood of Vancouver's island; in regard to which, as you will perceive from a reference to my note of the 13th January of that year to the honorable James Buchanan, the Secretary of State of the United States, her Majesty's government already foresaw the possibility of the occurrence of misunderstanding between the settlers of the respective nations; and her Majesty's government, moreover, then proposed, in order at once to preclude such misunderstandings, that before instructing their respective commissioners the two governments should agree to adopt as the "channel" designated by the treaty that marked by Vancouver in his charts as the navigable channel, and laid down with the soundings by that navigator.

Mr. Buchanan, entirely concurring in the expediency of losing no time in determining that portion of the boundary line, nevertheless felt some objection to adopting the channel marked by Vancouver as the "channel" designated by the treaty, in the absence of more accurate geographical information; and he suggested that the joint commissioners when appointed should be, in the first place, instructed to survey the region in question for the purpose of ascertaining whether the channel marked by Vancouver, or some other channel as yet unexplored between the numerous islands of the gulf of Georgia, should be adopted as the channel designated by the treaty, or, in other words, should be found to be the main channel, through the middle of which, according to the generally admitted principle, the boundary line should be run.

To this suggestion her Majesty's government, in the hope that immediate measures would be taken by the government of the United States to name commissioners to proceed to the spot with those already designated by the British government, made no objection.

It has been a subject of regret to her Majesty's government that, from causes upon which it is unnecessary to dwell, no appointment of commissioner has, up to the present time, been made by the government of the United States, and I am now instructed again to press this matter on their earnest attention.

Should it appear probable, however, that this proposal cannot be met by the government of the United States without further difficulty or delay, I would again suggest the expediency of the adoption, by both governments, of the channel marked as the only known navigable channel by Vancouver as that designated by the treaty. It is true that the island of San Juan, and perhaps some others of the group of small islands by which the bay of Georgia is studded, would thus be included within British territory; on the other hand, it is to be considered that the islands in question are of very small value, and that the existence of another navigable channel, broader and deeper than that laid down by Vancouver, by the adoption of which some of those islands might possibly fall within the jurisdiction of the United States is, according to the reports of the most recent navigators in that region, extremely improbable; while on the other hand, the continued exist-

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ence of a question of doubtful jurisdiction in countries so situated Washington Territory and Vancouver's Island is likely to give ris a recurrence of acts of a similar nature to those to which I have h the honor of calling your attention, and which, I have no dou would not be less deplored by the government of the United Sta than by that of Great Britain.

I avail myself of this opportunity to renew to you, sir, the ass ance of my high consideration.

JOHN F. CRAMPTON

Hon. W. L. MARCY, *&c., &c., &c.*

OLYMPIA, WASHINGTON TERRITORY,
Executive Office, May 12, 1855.

SIR: I have the honor to acknowledge the receipt of your comm nication of April 26, in which you state that information has be received by you to the effect that an armed party of American ci zens, ostensibly acting under the direction of a person named Barn who styles himself sheriff of Whatcom county, landed on the isla of San Juan, and demanded from Charles Griffin certain moneys payment of taxes, on behalf and in the name of the United States America, "a demand which, as a British subject, acknowledging authority except that emanating from his own government, he refus to pay;" that Mr. Barnes and his followers "abstracted a numbe valuable sheep, and that upon Mr. Griffin demanding restitution was menaced with violence, and put in danger of his life."

Of the matters detailed by you I have no official information sa from your communication. It is known, however, that Mr. Barnes the sheriff of Watcom county.

You further state that you have called my attention to the sam for the purpose of ascertaining "if the said Mr. Barnes' proceedin were in that instance authorized or sanctioned in any manner by t executive officer of Washington Territory."

The sheriffs of the various counties come under the supervision the executive in the exercise of the pardoning power, and in the ca of a resistance of the laws. They act under certain prescribed law and to these laws they are responsible for the proper discharge their duty.

By the act of the legislative assembly of the Territory of Oreg previous to the separation therefrom from the Territory of Washin ton, the boundary line as between the two governments was held run through the Canal de Arro, and by the act of the legislati assembly of the Territory of Washington "to organize the county Whatcom" the island of San Juan is included within the bounds that county. The sheriff in proceeding to collect taxes acts under law directing him to do so. Should he be resisted in such an attemp it would become the duty of the governor to sustain him to the fu force of the authority vested in him.

You say "the island of San Juan has been in the possession of itish subjects for many years, and it is, with the other islands in Archipelago de Arro, declared to be within the jurisdiction of the ony, and under the protection of British laws. I have also the lers of her Majesty's ministers to treat those islands as part of e British dominions."

The acts, before referred to, have declared these islands to be within e jurisdiction formerly of the Territory of Oregon, now of the Terri- y of Washington; and the general laws of those Territories, so far they may be applicable, have thereby been extended over them.

The ownership remains now as it did at the execution of the treaty June 11, 1846, and can in nowise be affected by the alleged possession of British subjects."

The contemporaneous exposition of the treaty, as evinced by the bates in the United States Senate, shows the Canal de Arro to be e boundary line, as understood by the United States at that time, d the doubt of the British government as to any claim beyond that plainly manifested by the note of Mr. Crampton, the British min- ter, to Mr. Buchanan, Secretary of State of the United States, dated anuary 13, 1848. Indeed, on Arrowsmith's map of Vancouver's land and the adjacent coast, published in London, April 11, 1849, e boundary line is laid down as coming through the Canal de Arro. The map is compiled from the surveys of Vancouver, Kellet, Simp- n, and others, and would seem to establish that even as late as some ree years subsequent to the treaty the great English navigators d hydrographers, as well as the American government, considered e Canal de Arro, as in the terms of the treaty, the channel which eparates the continent from Vancouver's Island.

I shall take the earliest opportunity to send a copy of your commu- ication and of this reply to the Secretary of State of the United tates, and in the meantime I have to reciprocate most earnestly your ope that nothing may occur to interfere with the harmony and good eling which should characterize the relations of neighboring States.

I have, &c.

ISAAC I. STEVENS,
Governor Washington Territory.

His Excellency J. DOUGLAS, Esq., *&c.*

FORT VICTORIA, *September* 28, 1855.

SIR: I have the honor of enclosing, herewith, a statement of the osses incurred by the Hudson's Bay Company, in consequence of the violent and unlawful intrusion of Sheriff Barnes, with the armed posse of Whatcom county, and the forcible seizure and carrying away from the island of San Juan of certain valuable stock sheep, in pay- ment of taxes levied on behalf and in the name of the United States f America.

That unwarrantable act was committed on the 30th day of March

last, to the surprise of the British inhabitants, who were threat with violence and put in danger of their lives by Sheriff Barnes his followers. Under these alarming circumstances all business for the time suspended, and the flocks dispersed and driven into woods for safety, to the serious loss and detriment of the Br inhabitants.

In my communication of 7th May last, I transmitted with Griffin's report a copy of a letter which I addressed to the gove of Washington Territory in respect to the outrage committed Sheriff Barnes on that occasion, and I now herewith forward answer to that communication, for the purpose of establishing the through the avowal of Governor Stevens, that "Mr. Barnes is sheriff of Whatcom county," and that, as such, he would have supported by the whole authority of the executive in the act, as Stevens further declares that "it would become the duty of governor to sustain him to the full force of the authority veste him in proceeding to collect taxes, should he be resisted in such attempt," even on the island of San Juan; and the reason give defence of such a course on the part of the governor is, that "by of the legislative assembly of the Territory of Washington organize the county of Whatcom, the island of San Juan is inclu within the bounds of that county." It appears by that extrac Governor Stevens' letter that he takes for granted that the acts of legislative assembly of the Territory of Washington confers on United States a substantial right to that part of the British domini and, moreover, that enforcing the payment of taxes levied on be of the United States on British subjects there residing, is a part of proper duties of the executive officer of that government—a princi which I conceive to be false and dangerous in its operations.

amount of damages claimed from the United States, as wil serve by Mr. Griffin's statement, is £2,990 13s.—a moder estimate of the losses inflicted, and much less than a court of would in such cases award to the sufferers.

I have, &c.,

J. DOUGLAS

W. J. SMITH, Esq., *&c.*, *&c.*, *&c.*

...ement and valuation of sheep, the property of the Hudson's Bay ...ompany, forcibly seized and carried off on March 30, 1855, by Ellis ...arnes, sheriff of Whatcom county, Washington Territory, aided and ...ssisted by the armed posse of said county, in the name and behalf of ...e United States of America; and of losses resulting from the vio...nt acts of the said Ellis Barnes, in consequence of the flocks being ...riven into the woods and there destroyed by beasts of prey, and through ...ther causes.

	£	s.	d.
...rried off by Sheriff Barnes and posse of Whatcom county:			
...hoice Southdown rams, at £20	240	0	0
...eviot rams, at £20	160	0	0
...icester rams, at £25	150	0	0
...erino rams, at £25	200	0	0
...umber of sheep missing in consequence of the flocks having been driven into the woods:			
...outhdown ewes, at 33s. 4d.	260	0	0
Southdown lambs, at 15s.	47	0	0
Cheviot ewes, at 33s. 4d.	143	6	8
Cheviot lambs, at 15s.	17	5	0
Leicester ewes, at 33s. 4d.	41	13	4
Merino ewes, at 50s. 6d.	141	8	0
...ost of collecting and resorting flocks:			
...e of 10 men for 8 days, at 12s. 6d. per diem	50	0	0
...e of steam vessel Beaver for protection of property under my charge	500	0	0
...of 8 men for 8 days, hired to protect the property in my charge, at 12s. 6d. per diem	40	0	0
...idental losses through derangement and suspension of business in consequence of Sheriff Barnes' violent acts	1,000	0	0
Total	2,990	13	0

CHARLES J. GRIFFIN.

...AN JUAN, *July* 26, 1855.

I hereby certify that this is the signature of Charles John Griffin, ...d that he is a person worthy of credit.

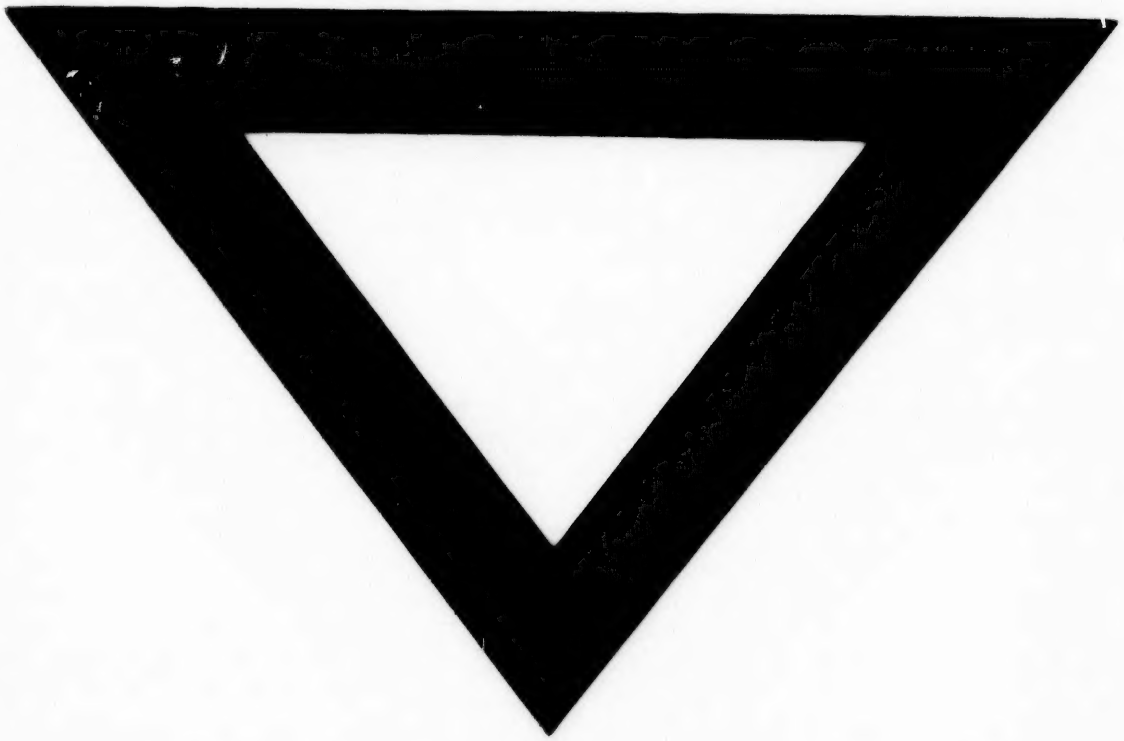
JAMES DOUGLAS,
Governor of Vancouver's Island.

HUDSON BAY HOUSE, *December* 6, 1855.

MY LORD: With reference to the deputy governor's letters of the ...th and 24th of July, and Mr. Hammond's replies of July 13th and ...ugust 2d, I have now the honor to enclose a copy of a letter just re...ived from Mr. Douglas, governor of Vancouver's island, dated Vic...ria, September 28, 1855, covering an account of the damage caused ... the Hudson's Bay Company by the unjustifiable proceedings of the ...nited States authorities in the isle of San Juan, together with a ...py of the further correspondence on the subject between Mr. Isaac ...tevens, governor of Washington Territory, and Governor Douglas. ...have to beg that your lordship will call upon the government of the ...nited States to reimburse the Hudson's Bay Company for the illegal ...cts of their officers. I have, &c.,

A. COLVILE, *Governor.*

Earl of CLARENDON, K. G., *&c., &c., &c.*



the northwest coast, which redounded to the glory of their country; and as the result thereof, our government has sustained successfully its claims to millions of acres of lands which border on the Pacific ocean, and that their investments resulted in a ruinous loss to those who engaged in the enterprise. (See Ingraham's Journal, vol. i, p. 2, vol. iv, p. 180.)

It has already been stated that the Spaniard Heceta in 1775 saw an entrance in latitude 46° 16′, south of the promontory he called St. Roque, and supposed there might be a river or harbor. In 1788, John Meares, in the Felice from Macao made an attempt to discover it, as will appear from the account of his voyage, page 167, London, 1790. He says:

"After we had rounded the promontory a large bay, as we had imagined, opened to our view, that bore a very promising appearance, and into which we steered with every encouraging expectation. As we steered in, the water shoaled to nine, eight and seven fathoms, when breakers were seen from the deck right ahead, and from the masthead they were observed to extend across the bay; we therefore hauled out, and directed our course to the opposite shore to see if there was any channel, or if we could discover any port. The name of *Cape Disappointment* was given to the promontory, and the bay obtained the title of Deception bay. By an indifferent meridian observation it lies in the latitude of 46° 10′ north, and in the computed longitude of 235° 34′ east. *We can now with safety assert that there is no such river as that of Saint Roe exists, as laid down in the Spanish charts.*"

Vancouver, in 1792, April 27, examined this portion of the coast with Meares's description before him, but so formidable were the breakers and shoal-waters that he, *not considering this opening worthy of more attention*, continued his pursuit to the northwest. On the afternoon of the 29th, the next day but one, he met the American ship Columbia, commanded by Mr. Robert Gray, belonging to Boston, whence she had been absent nineteen months. Her Captain, Gray, informed him *of his having been off the mouth of a river* in the latitude 46° 10′, where the outset or reflux was so strong as to prevent his entering for nine days. "This was probably," adds Vancouver, in his journal, "the opening passed by us on the forenoon of the 27th;" and as if determined to put on record his confidence in his own superior sagacity, and his discredit of the observations of the American captain, he says:

"It must be considered as a very singular circumstance, that in so great an extent of seacoast we should not until now have seen the appearance of any opening in its shores which presented any certain prospect of affording shelter, *the whole coast forming one compact, solid and nearly straight barrier against the sea.*"

But the interview with the British commander served not to discourage, but to arouse the energy and spirit of the American captain, who returned to the dangerous opening, resolved to enter it and brave its perils. The annals of commerce can show but few instances of similar perseverance and daring on the part of a merchant captain. It required more than common resolution to be the *first* to hazard life and property in that unknown solitary wilderness of breakers, reefs and shoals, not for the sake of pecuniary reward, but to discover and make known to the civilized world the existence of a mighty river, which had for ages rolled in undisturbed solitude through an unknown portion of the globe.

Captain Wilkes, in his valuable narrative, vol. iv, p. 313, says:

"Mere description can give little idea of the terrors of the bar of the Columbia. All who have seen it have spoken of the wildness of the scene, the incessant roar of the waters, representing it as one of the most fearful sights that can possibly meet the eye of the sailor."

From the log-book of the ship Columbia it appears that Captain Gray

stood in for the shore May 7th, 1792, and beat about among the breakers, &c., till about noon of the 11th, "*when we were over the bar we found this to be a river of fresh water, up which we steered.*" Extracts from this log-book are published in House report No. 213, 19th Congress, 1st session, p. 7; also report No. 101, 25th Congress, 3d session, p. 47–8–9, and Senate document 174, 26th Congress, 1st session, p. 125, from which it appears that Captain Gray sailed up this river about fourteen miles, and remained in it until the morning of the 21st May. He named it COLUMBIA, after the name of his ship. The north side of the entrance, which Meares called *Cape Disappointment*, he gave the name of *Cape Hancock*; the south, *Adams Point*. In the log-book, under date of "Tuesday, May 15," we read: "At 10 a. m., unmoored and dropped down with the tide to a better anchoring place. Smiths and other tradesmen constantly employed. In the afternoon Captain Gray and Mr. Hoskins in the jolly boat went on shore to take a short view of the country." We find upon the north side of the river, *Gray's Bay* and *Gray's Point* laid down in our government surveys. In the correspondence submitted we have the declarations of the officer of the Columbia who first landed, that he recollects hoisting the American flag and planting some New England pine-tree shillings under a tree.

Your committee have had before them the original day-book in which entries were daily made of the articles of traffic disposed of, under the dates of the transactions, and the points touched at by the ship. These entries are found to corroborate the log-book and the history of that discovery. The merit of this discovery cannot be disputed. The geographers of the world have adopted the name which Gray gave to it. Vancouver at last (p. 388—393) fully admitted the discovery, and admits that he is indebted to Captain Gray for charts of this latitude.

Your committee have also had submitted to them an original map of the northwest coast, by John Hoskins, supercargo of the ship Columbia, bearing date 1791 and 1792, upon which the coast and river is laid down, as well as the island of Vancouver and the straits, with a striking degree of accuracy for that early period, and proving incontestibly that this river, which is found on no previous map or chart, was then explored and mapped. The Spanish government, in 1802, printed at Madrid, by royal order, a work entitled "Viage del Sutil Mexicana, en 1792," which says, (p. 157:) "September 4, 1792—We found the shape of the land in sight to conform with that of a plat of survey made by the active American navigator, Gray, of the river which he called Columbia, after the name of the ship which he commanded." Ingraham inserted a chart of the coast in his journal, (vol. iv, p. 206,) under date October, 1792, and says—"Every part of the coast south of cape Flattery and Pintardo sound, are from Captain Gray's information." The Columbia river is laid down for several miles from its mouth. There is abundant evidence that these purchases, designed to establish permanent settlements upon the lands thus discovered, explored and purchased—were taken possession of in the name of the United States. Mr. Barrell, in his first proposition, conceived the idea of a valuable acquisition to the country, and at the same time of a trading establishment of great importance. As soon as he learned from Captain Kendrick that these purchases had been made, he opened a correspondence with a prominent house in London, through whom he endeavored to pro-

cure emigrants from all the nations of Europe, rather than to draw upon the more sparce population of this then infant republic.

Captain Kendrick, in his letter to Hon. Thomas Jefferson, Secretary of State, enclosing the deeds and seeking the protection of government for the security of the rights thereby acquired, makes allusion to some future settlement, and to the benefits resulting to the Union from possessions on the coast. But the accidental death of Captain Kendrick (see Jarvis's History of Sandwich Islands, p. 155) by the premature discharge of a national salute, and the entire loss of the vessel with her cargo while under the command of his clerk, struck a deathblow to these hopes. The projectors of this daring enterprise beheld others availing themselves of the results of the exploration made by their capital and at the risk of their lives, and aided by the example they had been the first to set, reaping rich returns, while they themselves lost all they had invested (save these purchases of lands then of unknown value,) and were disappointed in their long-indulged prospects of success.

Captain Robert Gray died soon after, leaving his widow and four daughters, who have supported themselves by their own exertions. The originator of the enterprise and the principal owners are believed to have died insolvent.

The disastrous result of the Astoria settlement upon the Columbia river, a few years after, so affected the commercial world that no inducement could encourage the survivors of the owners or the heirs of the deceased to migrate thither, but they have never ceased to implore the government to extend its protection to their claims. Among the letters submitted to your committee is one from Charles Bulfinch, who was the last survivor of the original owners, addressed to his sons, February 19, 1830, in which he says that he has flattered himself that if a settlement or colony was established on Columbia river, government would make a grant of land in consideration of their being the first discoverers, and having opened to the country a very lucrative commerce, of which they had not profited. That upon consultation with one of the sons of Joseph Barrell, they agreed to go together to Mr. Rush, who had just returned home, and not being in the administration, could give them an unbiassed opinion. That Mr. Rush was of opinion that any body of adventurers or colony who should settle on the north bank of that river would be driven off, or be obliged to submit to the jurisdiction of England. That after much consideration he suggested that the best chance of obtaining any advantage from the claim would be, that Congress should condition that in any treaty of boundary the rights of original purchasers should be recognized; and from the general liberality of the British government he presumed they would do so.

The claimants have from time to time petitioned Congress for a recognition of their rights, and for some reward for their sacrifices in making these discoveries. A bill was reported in the House during the thirtieth Congress, granting ten sections of land in the territory of Oregon to the widow of Robert Gray, upon her separate application, but it never became a law. (Mr. Brodhead's Report, No. 502, 30th Congress, 1st session.)

The services of Captain Robert Gray, however meritorious, could never have been rendered to the country had it not been for the remarkable sagacity, bold enterprise, and large investments of Joseph Barrell and his associates.

The government of the United States always claimed title to the coast

from the forty-second degree to 54° 40′ north parallel, embracing the vast and valuable territory drained and watered by the river and its branches. It held in the Department of State the copies of the deeds from the native chiefs, and the letter which enclosed them, from Captain Kendrick, who desired to secure the property in the lands to his owners, through himself, and the jurisdiction thereof to the United States. During the administration of President Jefferson an expedition was fitted out by the Executive under Lewis and Clark, to explore the section of country which these claimants had previously discovered, and a portion of which they claimed to have purchased and taken into formal possession.

The annual messages of our Presidents, Monroe and Adams, recommended Congress to turn their attention to "our coasts along many degrees of latitude upon the shore of the Pacific ocean." Mr. Adams, in his message to the nineteenth Congress, says:

"The river of the west first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our national flag at its mouth."

A private correspondence between the government and the surviving owners in 1816 and 1817, was filed with the memorial. (G.)

The Department of State has likewise had possession of the journals of Captain Ingraham, who was upon the coast during the years these events took place, and who confirms their history. Scarcely has there been held a session of Congress since that period, but in it some report has been made which referred for our title to this discovery and claim. Messrs. Gallatin and Rush most firmly maintained this at the court of St. James, in 1818, (American State Papers, vol. iv.; Foreign Relations, vol. iv., p. 381;) and again, in 1825–'6 (see British and Foreign State Papers, pp. 499, 509; Wheaton's Elements of International Law, part ii., chap. 4.)

By the treaty of 1846 the government of the United States for the sake of peace, and to avoid a war involving an expenditure of millions of money and the sacrifice of the lives of thousands of its citizens, relinquished to Great Britain the jurisdiction and the soil of some three hundred miles of territory claimed by the former on the Pacific coast.

In concluding this treaty it was of course never supposed that the rights of any American citizen claiming an interest in the territory thus yielded to the British crown, were put in jeopardy. While the treaty, however, confirmed to British subjects residing on that portion of the territory which was confirmed to the United States, their possessory rights to their lands, no such provision was made in favor of American citizens claiming rights north of the divisional line established by the treaty. As to the portion of country lying north of the forty-ninth parallel of latitude, and embracing also the whole of Vancouver's island, the jurisdiction and title has passed to Great Britain, and whatever might be the views of this government in regard to a recognition of the claimant's interest, either legal or equitable, to the land therein covered by the Indian deeds, there remains no power in this government to confirm the title. But within the portion of country retained by and confirmed to the United States by the treaty, there remains about two degrees of latitude by four of longitude covered by these purchases, as claimed in the memorial to have been made of the native chiefs in 1791, and as appears to be sustained by affidavits respecting the deeds which are lost, admitted by the English navigators and authors of that early day, and repeatedly

referred to in the public documents and reports to Congress. The memorialists ask to have the title to this tract of land confirmed to them.

The purchase of lands of the Indians, by individuals, was at an early day prohibited by the authorities of the British nation within the region claimed to be subject to her jurisdiction. In 1783 a proclamation was issued by the American Congress, prohibiting all such purchases of land without the limits or jurisdiction of any particular State, without the express authority of Congress, and declaring every such unauthorized purchase void. This prohibition evidently had relation to purchases in the Indian country lying within the boundaries of the United States, but beyond the limits of organized States. The region of the Pacific coast could not, at that time, have been within the contemplation of Congress in this proclamation. It was then in effect a foreign as well as an unexplored country It is true that some of the original grants of land made by Great Britain on the Atlantic side of the continent, were specified to run westwardly to the "great South sea," yet these grantors had neither jurisdiction nor knowledge of the immense country between the Mississippi and Pacific coast, and at the time of its first exploration Spain had jurisdiction and possession admitted by all parties of the extensive valley of the Mississippi, stretching from the Gulf of Mexico to the latitude of the northern lakes. This broad extent of country, long held in uninterrupted possession by Spain, effectually divided the jurisdictional limits of the United States from that unknown territory beyond. It was not until after the discoveries of the coast on the Pacific side of the continent, and the incipient establishment of stations for the fur trade and the cession of the dividing region of Louisiana to the United States, that explorations were ordered, the right to the country claimed, and jurisdiction asserted and maintained by our own government.

It may well be doubted, then, whether the proclamation of Congress prohibiting purchases of the Indians, can be regarded in any sense as applying to purchases made on the Pacific coast at the time of the visit of the Columbia and the Washington to that region. It would seem more in accordance with the truth to regard that country as new and unexplored and unappropriated by civilized man. Approached only by the ocean, it should be regarded like the islands of the Pacific, subject to discovery and possession by the new comers, whose rights as between different claimants and in regard to the uncivilized native inhabitants, should be those which pertain to the recognized laws of newly discovered lands.

The principles relative to such new discoveries, it is believed, are well settled in the code of civilized nations. The citizen of any country first taking possession, does so in the name of his nation, and the jurisdiction of the country, with the exclusive right to the soil, subject to the possessory right of the natives, invests in the government of him who first asserts and maintains possession. The right to extinguish the possessory title of the natives does not rest in the individual discoverer, but in his government, and a purchase thus made by him of the natives would, it is conceived, give no title as against his government, unless made with the previous consent of the latter, or subsequently confirmed by the proper authorities of his nation.

If this view of the subject be correct, it follows, that the owners of the two vessels acquire no title in the land by their purchase of the Indian chiefs. It does not follow, however, that they are the less entitled to the

consideration of their government for the benefit bestowed on the latter by the negotiation and purchase. On the contrary such services attended with such beneficial results, at the instance and cost of the individual citizen, would seem to present a strong claim in his behalf to the consideration of his government.

The mere discovery of a country inhabited only by savages is not alone sufficient to secure an appropriation of it by the nation in whose name the discovery is made. If no actual possession is taken, or a mere nominal possession, followed by an immediate abandonment, is all that can be claimed, other nations may take possession by settlement and actual continued occupancy and colonization may become the rightful owners. In deciding on the strength of the claim of a civilized nation in such case, every circumstance which relates to the discovery, the possession, the settlement and the continued claim of right are regarded as important. And the relations established with the native chiefs and inhabitants of the country, especially where the consent of the latter to the establishment of colonies, the proffer of amicable and exclusive rights of traffic, and the grant of lands for purpose of settlement cannot be disregarded. It is difficult to conceive of a stronger circumstance in establishing our national right to the country, than that which is exhibited by the facts connected with this purchase, and the oft-repeated admonition of the natives to the adventurers of other nations declaring the rights of the American navigator by solemn compact and grant to the territory and the kind relations established between them and the chiefs.

The value of the discoveries made by these vessels to the American people must not be overlooked or lightly esteemed.

The intrepid and noble mariners who first left our ports and doubled the cape, in compliance with their instructions from the merchant-owners, not to stop at any port of the western coast known to the European world, unless driven there by some unavoidable accident, merit the highest tribute of respect which can be paid to their memories. Whilst other nations were fitting out their royal ships, commanded by officers of high naval rank, commissioned by lords of admiralty, and sustained at home by the royal treasury, we behold these humble men, inspired by the ambition which burned in the American breast in the infancy of our republic, sailing forth in ships named in honor of the discoverer of our continent and of the father of our liberties, and bearing for their sea-letter George Washington's request to the emperors and potentates of the world, that they would receive them with kindness and in a becoming manner, and thereby he would consider himself under much obligation.

Captain John Kendrick and Robert Gray each found an early grave, and their children and widow now appeal to our sympathies for some testimonial of their services. The ledger of the owners shows the items of the original invoice to the amount of upwards of £7,000. Let to this be added the cost of the vessels and outfit, with interest—which also proved to be a total loss to the owners—the aggregate would be the pecuniary amount expended by the claimants.

The committee do not forget that, in the discussions which have heretofore been had on the subject of the American title to the Oregon country, the right has not been rested exclusively on discovery and possession by Americans. The early Spanish navigators—the first to sail along the coast and to plant the cross and the standard of their country on its shores, in

the name of their sovereign—were also invoked as witnesses of the right of Spain to the territory; which rights were, by the treaty of 1819, tranferred to this nation. But, in all these discussions, reliance has not been placed exclusively on this ground. The historical incidents, to which reference is made in the report, have also uniformly, although to their full extent, been adduced in proof of the title of our nation to the country on the western portion of this continent. The discovery of Captain Gray, followed, as it was, in a reasonable time with the explorations of Lewis and Clark, in 1803, upon the recommendation of President Jefferson, and by the settlements on the banks of the river, in 1811, called Fort George, or Astoria, which having been taken by the "Racoon" during the war with Great Britain, was subsequently, on the 6th day of October, 1818, restored, in conformity with the first article of the treaty of Ghent, as a *territory, place and possession taken* from us, is at least as strong a title to the Oregon country as that by which distant territories are usually held by civilized nations. If to these the character and objects of the American navigators are added; the amicable relations between them and the acknowledged chiefs of the country; the grants to them of lands of large extent, and their occupation of it, it may well be doubted whether even Spain herself could exhibit a better claim, founded on her intercourse with the region, than that which is made out, under the principles of international law, by the acts of these enterprising American explorers. From a careful review of the history of these discoveries and possessions, scattered as it is in detached portions through volumes relating only incidentally to the subject, and in the journals of the navigators of other countries—and in manuscripts to which the reading public have no access, we can scarcely refrain from the exclamation that the value of the services of these men has never yet been duly appreciated by their country. They have done enough to secure to the nation the extensive and rich region washed by the Oregon, and looking out on the Pacific, now just beginning to be whitened by the sails of all commercial nations on the globe. Fame has scarcely deigned to notice their noble enterprise; and pecuniary compensation has rewarded neither them nor their children. The toil, the hazard, the loss was theirs; the fruit of all was not for the toilers—it was thrown into the lap of their country. The appeal of their surviving representatives is made to that country for a recognition—small though it may be—for a recognition of their services and their merits.

The committee could not of course, in any ordinary case, recommend a compensation "to be given for services in connection with the early explorations or settlement of the newer portion of our wide-extended domain. The services in the case under consideration are, however, of so peculiar a character that they believe the government owes it to the merits of these men and their services, to depart from the general rule and to make them some compensation in land, in the region where their services were performed and where the purchases were made of the native chiefs. They therefore herewith report a bill giving to the widow of Captain Gray, and to the children of Captain Kendrick, and each of the owners of the two exploring vessels five sections of land. This small grant, although insignificant in pecuniary value, may yet afford a solace in the declining years of some of the petitioners, while it will prove to them all, that time has not obliterated from the memory of their country the worth and the services of their departed relatives.

APPENDIX.

A.

Orders given Captain John Kendrick, of the ship Columbia, for a voyage to the Pacific ocean.

Sir: The ship Columbia and sloop Washington being completely equipped for a voyage to the Pacific ocean and China, we place such confidence in you as to give you the entire command of this enterprise. It would be impossible upon a voyage of this nature to give with propriety very binding instructions, and such is our reliance on your honor, integrity and good conduct, that it would be needless at any time. You will be on the spot, and as circumstances turn up you must improve them; but we cannot forbear to impress on your mind our wish and expectation that the most inviolable harmony and friendship may be cultivated between you and the natives, and that no advantages may be taken of them in trading, but that you endeavor by honest conduct to impress upon their minds a friendship for Americans. * * * * * * *

If you make any fort or improvement of land upon the coast, be sure you purchase the soil of the natives, and it would not be amiss if you purchased some advantageous tract of land in the name of the owners, if you should let the instrument of conveyance bear every authentic mark the circumstances will admit of. * * * You will constantly bear in mind that no trade is to be allowed on the coast, on any pretence whatever, but for the benefit of the owners. * * * You are strictly enjoined not to touch at any part of the Spanish dominions on the western continent of America, unless driven there by some unavoidable accident, in which case you will stay no longer than is absolutely necessary, and while there be careful to give no offence to any of the subjects of his Catholic Majesty, and if you meet with any subjects of any European prince, you are to treat them with friendship and civility.

The certificate you have from the French and Dutch consuls you will make use of if you meet with any ships of those nations, and you will pay them every respect that is due to them.

The sea letters from Congress and this State you will also show on every proper occasion: and although we expect you will treat all nations with respect and civility, yet we depend you will suffer insult and injury from none without showing that spirit which will ever become A FREE AND INDEPENDENT AMERICAN.

B.

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify, that the papers hereunto attached are true copies of papers on file in this department.

In testimony whereof, I, James Buchanan, Secretary of State of the United States, have hereunto subscribed my name, and caused [SEAL.] the seal of the department to be affixed.

Done at the city of Washington, this 9th day of February, A. D. 1849, and of the independence of the United States of America the seventy-third.

JAMES BUCHANAN.

ON BOARD THE SHIP LADY WASHINGTON,
Harbor of Maw-win-na, St. Clair's Island,
North-west coast of America.

SIR: I have the honor to address you on a subject which I conceive the honor of the government of the United States to be interested in, and the following relation of which I request you to lay before the President, hoping that in his humanity the oppressed will find a protector, and by the representations he, in his wisdom, may direct to be made to the court of Madrid, the unfortunate may be relieved.

In the year 1787, an expedition under my command was fitted out from Boston, for prosecuting the fur trade on the north-west coast of America, and, after doubling Cape Horn in a very tempestuous season, my ship, the Columbia, was considerably disabled, and I was in great want of both water and wood. My tender, the Washington sloop, had parted company with me off the cape, and I had no other alternative than repairing to some of the Spanish settlements in the South Pacific ocean, for the purpose of refitting my vessel and procuring some necessary supplies. I therefore bore away for the Island of Juan Fernandez and arrived in Cumberland bay the 24th of May, 1788. We were immediately visited by a Spanish boat with two officers in it; and on their return, my first officer, Mr. Ingraham, was sent on shore to request permission to anchor and continue there a few days, which the governor, Don Blas Gonzalez, major in the cavalry of his Catholic Majesty, very humanely granted, making such stipulations with respect to the term of our continuance at the island, and the conduct to be observed during that period as evinced him to be a cautious, vigilant and prudent officer. Our communication was through the medium of the French language, imperfectly understood by both parties, until the 28th following, when a Spanish ship arrived off the bay to receive the governor's despatches for Chili, on board of which was a Frenchman, who was sent on shore for the purpose of more fully examining our passports, &c. A copy of my sea-letter from the Congress of the United States, and the official letter of the Sieur l'Etombe, consul of France for the States of Massachusetts, &c.,

were given the governor, and on the day of my intended departure I received from him the letter, of which the enclosed is a copy, three days after the date of which, being detained the intermediate time by a gale of wind, I proceeded on my voyage to this coast.

In consequence of the abuse of power by his catholic Majesty's servants in his American governments, or by an untrue and malicious statement of the facts by some secret enemies, Don Blas Gonzalez has been deprived of his employments and treated with considerable rigor and injustice; and the only crime imputed to him is his humane conduct towards me and my crew in 1788—a conduct which did honor to him as a man, and was, I conceive, perfectly consistent with the amity and good understanding subsisting between the court of Madrid and the United States. But the affair will be best explained in his own words in a letter to my son, who touched at Valparaiso, in Chili, in the ship Jefferson, Captain Roberts, of Boston, in June, 1792, and who communicated the first intelligence of it to me.

[Extract.]

"No se sabra N. Md. como desde que se supo en esta que yo havid dado hospitaledad à dho su padre, se me desposá del gobierno por esta Capitania General por und equivocada intelligencia que se formó sobre a quel sueceso; y que aunque el rey, mi señor, aprovó la conducta que observe entonces, con toda hasta, ahora estoi padeciendo las resultas, por la suma distancia en que por mi desgracia, me tiene constituido la suente de este remoto destino; no obstante de las diligenzasempeñosas 9e he practicada pd. vindica, mé arreglada conducta; y de haver escrits à Monsieur l'Etombe, consul de Francia en Boston, y à dho su padre, paraque me favoreciessen en lo que buenamente pudiessen: cuyas resultas ignoro, por no saben sí recibieron mis cartas.

"Si N. Md. Gusta de Escibirles asociado de su capstan, sobre este particular, y recomendarme pd. que me protexan, se lo estimaria mucho: encuyo caso puede N. Md. Entregarlas Cartas al Cavallero Don Manuel Porrasia, necino de esse puerto, y portade de este, que es amigo de todo mi confianza." (Santiago de Chili, 20 de Junio, de 1792.

In consequence of the requst made by Don Blas Gonzalez, Captain Roberts and my son wrote the owners of the Columbia and Jefferson, requesting them to make such a representation to the United States *as they pointed out*. As they appear to have mistaken the contents of the letter from Don Blas, I have done myself the honor of offering you the foregoing statement of facts; and as he doubtless rendered me those services, for which, in the sea letter, the United States declare they shall "stand willing indebted," I hope the affair will have proper attention paid to it. I have now only to request, very earnestly, that any mode of proceeding which may be adopted for the relief of Don Blas Gonzalez, may be executed with all convenient expedition. I need not use any persuasive arguments to interest the officers of the government of the United States in behalf of the unfortunate gentleman who has been the subject of this letter; as the principles of our excellent constitution as well as their native humanity, must render them enemies of oppression.

I have the honor to be, with the utmost deference and esteem, honorable sir, your most obedient and most humble servant,

JOHN HENDRICK.

Hon. THOMAS JEFFERSON,
Secretary for the Department of State.

Don Blas Gonzalez, sargento mayo de cavalleria de los exercitos de su magestad, y governado politico y militar de esta plaza è islas de Juan Fernandez:

Certifico, que haviendo arribado à este puerto el Capitan Juan Kendrick, de la nacion Bostoneza, en la fragata de su mando nombrada la Columbia, con tres oficiales subalternos, y trienta seiz hombres de tripulacion de la propria nacion, comicionado por su republica à viajar por todo el mundo, el veinte y quatro de mayo proximo pasado, à pedirme la hospitalidad, exponiendome para ello los por el Aermino de seis dias, de cuya determinacion di parte àl Excellentissimo Señor Vir, rey de Peru, y à la capitania general del reyno de Chili; haviendose detenido quatro dias mas de los concedidos, por la razon de los muchos Aquaceros, que mediaron; sin dar la menor nota, assi los enunciados oficiales, como la demas fripulacion, ni flaltar à lo mas minimo de quanto estipularon con migo, antes de permitules la entrada en este puerto; y para que conste doi la presente à pedimento de dicho Capitan J. Kendrick, en esta isla de Juan Fernandez, à tres dias del mes de Junio, de mil, setecientos, ochenta y ocho años.

BLAS GONZALEZ.

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PORT INDEPENDENCE, ON THE ISLAND OF HONG KONG,
March 1, 1793.

Sir: I have the honor of enclosing to you the copies of several deeds by which the tracts of land therein described, situated on islands on the northwest coast of America have been conveyed to me and my heirs forever by the resident chiefs of those districts, who I presume were the only just proprietors thereof. I know not what measures are necessary to be taken to secure the property of these purchases to me, and the government thereof to the United States; but it cannot be amiss to transmit them to you, to remain in the office of the Department of State. My claim to those territories has been allowed by the Spanish crown; for the purchases I made at Nootka were expressly excepted in a deed of conveyance of the lands adjacent to and surrounding Nootka sound, executed in September last, to El Señor Don Juan Francisco de la Bodega y Quadsa, in behalf of his Catholic Majesty, by Maquinnah and the other chiefs of his tribe, to whom those lands belonged.

When I made these purchases I did it under an impression that it would receive the sanction of the United States, and that should an act of the legislature be necessary to secure them to me, I should find no difficulty in obtaining it. The future commercial advantages which may arise from the fur trade, besides many other branches which are daily opening to the view of those who visit the northwest American coast, may perhaps render a settlement there worthy the attention of some associated company under the protection of government. Should this be the case, the possession of lands previously and so fairly acquired, would much assist in carrying the plan into effect. Many good purposes may be effected by the Union having possessions on that coast, which I shall not presume, sir, to point out to you; and the benefits which have accrued to individuals by similar pur-

chases to those I have made in our own States, are too well known to need a remark.

I have the honor to be, with the utmost respect and esteem, sir, your very humble servant,

JOHN KENDRICK.

The Hon. THOMAS JEFFERSON,
Secretary for the Department of State.

Endorsed: KENDRICK, JOHN—*Hong Kong, March* 1, 1793—received *October* 24, covering several Indian deeds.

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To all persons to whom these presents shall come: I, Macquinnah, the chief, and with my other chiefs, do send greeting: Know ye that I, Macquinnah, of Nootka sound, on the north-west coast of America, for and in consideration of ten muskets, do grant and sell unto John Kendrick, of Boston, commonwealth of Massachusetts, in North America, a certain harbor in said Nootka sound, called Chastacktoos, in which the brigantine Lady Washington lay at anchor on the twentieth day of July, 1791, with with all the land, rivers, creeks, harbors, islands, &c , within nine miles north, east, west and south of said harbor, with all the produce of both sea and land appertaining thereto; only the said John Kendrick does grant and allow the said Maquinnah to live and fish on the said territory as usual. And by these presents does grant and sell to the said John Kendrick, his heirs, executors and administrators, all the abovementioned territory, known by the Indian name Chastacktoos, but now by the name of the Safe Retreat harbor; and also do grant and sell to the said John Kendrick, his heirs, executors and administrators, a free passage through all the rivers and passages, with all the outlets which lead to and from the said Nootka sound, of which, by the signing these presents, I have delivered unto the said John Kendrick. Signed with my own hand and the other chiefs', and bearing even date, to have and to hold the said premises, &c., to him, the said John Kendrick, his heirs, executors, and administrators, from henceforth and forever, as his property absolutely, without any other consideration whatever.

In witness whereof I have hereunto set my hand and the hands of my other chiefs, this twentieth day of July, one thousand seven hundred and ninety-one.

MACQUINNAH, his x mark. [L. S.]
WARCLASMAN, his x mark. [L. S.]
HANNOPY, his x mark. [L. S.]
CLOPHANANISH, his x mark. [L. S.]
TARTOOCHTHEEATTICUS, his x mark. [L. S.]
CLACKOEENER, his x mark. [L. S.]

Signed, sealed and delivered in presence of—
JOHN STODDARD.
JOHN REDMAN.
THOMAS FOSTER.
WILLIAM BOWLES.
JOHN MAUD, JR.
FLORENCE MCCARTHY.
JOHN PORTER.
JAMES CRAWFORD.
ROBERT GREEN.
JOHN BARBER.

A true copy from the original deed.
Attest: J. HOWEL.

—

To all people to whom these presents shall come: I, Norry Youk, the chief, with my other chiefs, do send greeting: Know ye that I, Norry Youk, of Ahasset, on the north-west coast of America, for and in consideration of six muskets, a boat's sail, a quantity of powder and an American flag, by the free consent of the other chiefs concerned, do bargain, grant and sell unto John Kendrick, of Boston, commonwealth of Massachusetts, in North America, a certain harbor in said Ahasset, called by the natives Chenerkintau, in which the brig Lady Washington lay at anchor on the fifth day of August, 1791, which is situated in latitude 49° 50′ north, and longitude 127° 08′ west, on the north side of the Sound of Ahasset, being a territorial distance of eighteen miles square, of which the harbor of Chenerkintau is the centre, with all the lands, mines, minerals, rivers, bays, harbors, sounds, creeks and all islands, with all the produce of both land and sea; and by these presents, do grant and sell to the said John Kendrick, his heirs, executors and administrators, all the above mentioned territory, known by the name of Ahasset, and the harbor by the Indian name of Chenerkintau, but now by the name of Kendricks' harbor: and also, do grant and sell to the said John Kendrick, his heirs, executors and administrators, a free pass through all the rivers and passages, with all the outlets which lead to and from the said territory, of which the signing these presents I have delivered unto the said John Kendrick, signed with my own hand and the other chiefs, to have and to hold the said territorial premises, &c., to him, the said John Kendrick, his heirs, executors and administrators, from henceforth and forever, as his property absolutely, without any other emolument or consideration whatever.

In witness hereof, I have hereunto set my hand and the hands of my other chiefs, this fifth day of August, one thousand seven hundred and ninety-one.

NORRY-YOUK, his x mark. [L. S.]
APPULS, his x mark. [L. S.]
KISSULS, his x mark. [L. S.]
HAW-WETTPARSUM, his x mark. [L. S.]

Signed by NORRY-YOUK for his son.

Signed, sealed and delivered in the presence of us—
JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
WILLIAM BOWLES,
ROBERT GREEN,
JOHN BARBER,
JOHN PORTER.

A true copy from the original deed.
Attest: J. HOWELL.

—

To all people to whom these presents shall come: I, Wickananish, chief of Clyoquot, with my other chiefs, do send greeting: Know ye, that I, Wickananish, of Clyoquot, on the north-west coast of America, with my own free will and consent, and the consent of my other chiefs, for the consideration of four muskets, a large sail, and a quantity of powder, (they being articles which we at present stand in need of, and are of great value,) do bargain, grant and sell unto John Kendrick, of Boston, commonwealth of Massachusetts, in North America, a territorial distance of eighteen miles north, eighteen miles south, eighteen miles east and eighteen miles west of the village called by the natives Opisita, which village is to be the centre of the said territorial distance, with all the lands, mines, minerals, rivers, bays, sounds, harbors, creeks, &c., and all the islands, with both the produce of land and sea within the limits of said territorial distance. Opisita being the centre, is situated in latitude 49° 10′ north, and longitude 126° 02′ west from the meridian of London. And by these presents, do grant and sell unto the said John Kendrick, his heirs, executors, administrators and assigns, all the above mentioned territory, known by the name of Clyoquot; and also do grant and sell unto the said John Kendrick, his heirs, executors, administrators or assigns, a free pass through all the rivers, passages, &c., with all the outlets which lead to and from said territory; of which the signing of these presents, I have delivered unto the said John Kendrick.

Signed with my own hand, and the hands of my other chiefs, to have and to hold the said territorial distance, &c., to him, the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property absolutely, without any emolument or consideration whatever.

In witness whereof, I have hereunto set my hand, and the hands of my other chiefs, this eleventh day of August, one thousand seven hundred and thirty-one.

WICKANANISH, his x mark. [L. S.]
TOOTEESCOZITTLE, his x mark. [L. S.]
TARTOOTCHTHEEATTICUS, his x mark. [L. S.]
TEASSLAUR, his x mark. [L. S.]
TACKQULIN, his x mark. [L. S.]
HYEREQUIS, his x mark. [L. S.]

Signed, sealed and delivered in the presence of us—
JOHN WILLIAMS.
JOHN REDMAN.
WILLIAM BOWELL.
JOHN STODDARD.
THOMAS FOSTER.
JOHN BARBER.
JAMES CRAWFORD.
CHARLES BYRN.
FLORENCE McCARTHY.
WILLIAM BOWLES.
JOHN MAND, jr.
ROBERT GREEN.

A true copy from the original deed.
Attest: J. HOWELL.

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To all people to whom these presents shall come: I, Tarassom, the chief, with my other chiefs, do send greeting: Know ye that I, Tarassom, of New Chatleck, on the northwest coast of America, for and in consideration of two muskets, a boat's sail and a quantity of powder, by the free consent of my other chiefs concerned, do bargain, grant and sell unto John Kendrick, of Boston, commonwealth of Massachusetts in North America, a certain harbor in said New Chatleck called by the natives Hoot-see-ess, but now called Port Montgomery, in which the brig Lady Washington lay at anchor on the second day of August, 1791, and is situated in latitude 49° 46′ north and longitude 127° 02′ west, on the south side of the sound of Ahasset, and now called Massachusetts sound, being a territorial distance of eighteen miles square of which the harbor of Hoot-see-ess, alias Port Montgomery is the centre, with all the lands, mines, minerals, rivers, bays, sounds, harbors, creeks and islands, with all the produce of both sea and land appertaining thereto; and by these presents do grant and sell to the said John Kendrick, his heirs, executors, administrators or assigns, all the abovementioned territory known by the names of New Chatleck and Hoot-see-ess, now by the names of Massachusetts sound and Port Montgomery; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators or assigns, a free pass through all the rivers and passages, with all the outlets which lead to and from said territory, of which the signing of these presents, I have delivered unto the said John Kendrick signed with my own name and the names of my other chiefs, to have and to hold the said territories, provinces, &c., to him the said John Kendrick, his heirs, executors, administrators or assigns from henceforth and forever, as his property absolutely, without any other emoluments or considerations whatever.

In witness whereof, I have hereunto set my hand and the hands of my other chiefs this fifth day of August, one thousand seven hundred and ninety-one.

TARASSOM, his x mark. [L. S.]
WACKLIMMIS, his x mark. [L. S.]
Signed by TARASSOM, for his first son. [L. S.]
QUANTENO, his x mark. [L. S.]
CLAKISHUPPA, his x mark. [L. S.]
Signed by TARASSOM, for his second son. [L. S.]

Signed, sealed and delivered in presence of—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
THOMAS FOSTER,
ROBERT GREEN,
JAMES CRAWFORD,
FLORECE MCCARTHY,
JOHN MAUD, jr.,
WILLIAM BOWLES,
CHARLES BYRN.

A true copy of the original deed.

Attest: J. HOWELL.

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To all people to whom these presents shall come: I, Caarshucornook, the chief, and the under chiefs, do send greeting: Know ye, that I, Caarshucornook, of the Tashees, at the head of Nootka sound, on the northwest coast of America, for and in consideration of two muskets and a quantity of powder, by the free consent of the other chiefs, do bargain, grant and sell unto John Kendrick, of Boston, commonwealth of Massachusetts, in North America, the head of Nootka sound, called by the natives Tashees, being a territorial distance, on an east and west line from the mouth of the straits which lead to Ahasset sound, now called Massachusetts sound, with the land nine miles round said Tashees, together with all mines, minerals, rivers, bays, sounds, creeks, harbors, and all islands, with the produce of both sea and land appertaining thereto; and by these presents do grant and sell unto the said John Kendrick, his heirs, executors, administrators and assigns, all the above mentioned territory known by the Indian name Tashees; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators or assigns, a free passage through all the passages and rivers, with all the outlets which lead to and from said Tashees, of which the signing these presents, I have delivered unto the said John Kendrick. Signed with my own hand and the hands of my other chiefs, to have and to hold the said territorial distance, &c., to him, the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property absolutely, without any other emolument or consideration whatever.

In witness hereof I have hereunto set my hand and the hands of my other chief, this sixth day of August, one thousand seven hundred and ninety-one.

CAARSHUCORNOOK, his x mark. [L. S.]
HANNOPY, his x mark. [L. S.]

Signed, sealed and delivered in presence of—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
THOMAS FOSTER,
JAMES CRAWFORD,
JOHN MAUD, jr.,
ROBERT GREEN,
WILLIAM BOWLES,
JOHN BARBER.

A true copy from the original deed.

Attest: J. HOWELL.

C—1.

I, Ebenezer Dorr, of Roxbury, in the Commonwealth of Massachusetts, aged seventy-six years, on oath depose and say, that on the 17th of September, in the year 1790, I left Boston as supercargo in the brig Hope, commanded by Captain Joseph Ingraham, John Cruft being the chief officer, and entered Clyoquot harbor on the northwest coast, on the 23d of July, 1791, as appears by my private journal. In the beginning of September, in the year 1791, we left the coast for China, and arrived at Macao early in the year 1792. The brig Lady Washington, commanded by Captain John Kendrick, was lying in Lark's bay, near Macao.

I had a personal and intimate acquaintance with Captain Kendrick, and while in Lark's bay, was frequently on board his vessel. In some of my visits I recollect to have seen, inspected and read several deeds executed by Indians on the northwest coast, to Captain John Kendrick. I believe that the names of Maguinna and Wickaninish, were affixed to some of the deeds, and there were other names, and there were crosses.

I recollect that muskets and clothing, and that copper and knives and chisels, and many other articles, were named in the deeds as having been paid as the consideration of said deeds. I heard Kendrick remark that he had on board one thousand prime otter skins; he told me that he had other furs of different qualities, and also that he had some beaver. I had considerable conversation with him from time to time, relative to the disposition of this property for the benefit of the owners, but I declined having anything to do with it.

In my second voyage, which was in the years 1795 and 1796, I was at Macao, and it was the current report, at that time, that an Englishman by the name of Howell, after the accidental death of Captain John Kendrick, at the Sandwich Islands, took possession of the Lady Washington, her papers and cargo, and proceeded with them to Macao. The vessel was afterwards cast away in the Straits of Malacca, whilst under command of said Howell. It is not known what disposition was made of the cargo.

I recollect Captain Kendrick's speaking to me of a certain deed of a tract of land, being in a square, taken of the Indians by Kendrick for the owners of the vessels, Columbia and Washington; and I recollect his

telling me what a fine tract it was, that a pile of stones was raised up and trees marked, near the head of navigation of a river, and that one side of said square extended eight day's journey from that point down the river and that the square was bounded eight day's journey on each side, one side of which was a river. I cannot positively say, but believe I have seen this deed. It was generally understood, when I was at Macao, the second voyage, that this and the other deeds were in the possession of Howell.

EBENEZER DORR.

COMMONWEALTH OF MASSACHUSETTS, *Norfolk county*, } *ss:*

ROXBURY, *November* 16, 1839.

Then personally appeared Ebenezer Dorr, above mentioned, and made oath to the truth of the foregoing statement by him signed, according to the best of his knowledge and belief, before me,

JOHN J. CLARKE,
Justice of the Peace.

C—2.

I, John Cruft, of Boston, in the commonwealth of Massachusetts, aged seventy-one years, on oath depose and say, that in September of the year seventeen hundred and ninety, I sailed as chief officer in the brig Hope, commanded by Captain Joseph Ingraham, on a trading voyage to the northwest coast, where she arrived in the latter part of June, A. D. 1791; we left the northwest coast in October or November following for the Sandwich Islands. Thence we sailed for Macao, where we arrived sometime in January, 1792, to the best of my knowledge, and found Captain John Kendrick in the brig Lady Washington, lying in Lark's bay, about five leagues from Macao. After being about a month and a half in the bay, I went aboard Kendrick's vessel, the Lady Washington, as chief officer, where I continued about seven months. While on board the Lady Washington, I saw a number of deeds, executed by Indians on the northwest coast to Captain John Kendrick. I remember the names of Maquinna and Wickaninish to some of the deeds, and there were several other names, and I recollect crosses or marks opposite the names. I recollect the names, and was personally acquainted with several of the witnesses of the deeds, to wit, John Williams, chief officer of the Lady Washington, John Redman, the second officer, John Stoddard, captain's clerk, William Bowell, the third officer, Thomas Foster, carpenter, John Barber, the blacksmith, James Crawford, gunner, William Bowles, sail-maker, (said Bowles afterwards married my sister,) Robert Green, cooper, and John Porter, carpenter's mate. I had the deeds in my own hands several times; I read the deeds, and recollect the consideration named in the deeds consisted of muskets, cloth and articles of trade.

JOHN CRUFT.

Witness: M. CRUFT.

COMMONWEALTH OF MASSACHUSETTS, } ss.
Suffolk county, } *November* 18, 1839.

Then personally appeared, the above named John Cruft, and made oath that the foregoing statement by him signed is true, before me,

G. S. BULFINCH,
Justice of the Peace.

C—3.

To whom it may concern.

TOWAIHAE, HAWAII, *June* 26, 1835.

I, the subscriber, in the year A. D. 1789, commenced a residence on the Sandwich Islands. Afterwards, in Kearakekua, on the island of Hawaii, I became acquainted with Captain John Kendrick, who commanded the schooner Washington from Boston, Massachusetts, he having passed several winters at the above island. I heard Captain Kendrick often speak of the purchases of lands, which he said he had made from Indian chiefs on the north-west coast. I frequently saw deeds in his possession, signed by chiefs, who at that time lived at and south of Nootka sound and witnessed by men belonging to his yessel, of whom I had some knowledge. Among the chiefs whose marks were made to the deeds, I distinctly recollect the names of Maquinna and Wickaninish.

I had much intimate acquaintance with Captain Kendrick, and believed him to be a man of strict veracity, and had no reason to doubt his having made the above purchases, and his having paid, as he represented a consideration at that time satisfactory to the chiefs who had given the deeds.

JNO. YOUNG.

Signed in the presence of—
HENRY A. PIERCE, *Boston, U. S.*
HALL J. KELLY.

John Young is mentioned in Stewart's visit to the South Seas, vol. ii, page 167.

"The Governor of Maui, the princess, with Miss Young, a bosom companion, daughter of John Young of Hawaii, the oldest foreign resident at the island, &c."

C—4.

BOSTON, *October* 30, 1838.

Samuel Yendell, of the city of Boston, in the commonwealth of Massachusetts, aged sixty-nine years, does on oath testify and declare, that in the years of our Lord one thousand seven hundred and ninety-one and one thousand seven hundred and ninety-two, I was on board the ship Columbia, Captain Robert Gray, in a voyage to the north-west coast. While at Clyoquot, on that coast, in the village Wickaninish, I heard it often said

that the Indian chief Wickaninish had sold to Captain John Kendrick his territory.

It was a current report that said Kendrick had paid said Wickaninish in guns, clothing and copper, (these are all the things I recollect,) for the lands purchased as aforesaid.

Also I testify that in May, A. D. 1792, I was with Captain Robert Gray in the ship Columbia, at which time said ship entered the Columbia river.

SAMUEL YENDELL.

Witness to signature: CHARLES A. YENDELL.

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COMMONWEALTH OF MASSACHUSETTS, *Suffolk county*, } *ss:* *November* 1, 1838.

Sworn to by the said Samuel Yendell, before me,

S. E. SEWALL,
Justice of the Peace.

C—*5.*

BOSTON, *October* 30, 1838.

James Tremere, of the city of Boston, in the commonwealth of Massachusetts, aged seventy-seven years, does on oath testify and declare, that in the year of our Lord one thousand seven hundred and eighty-nine, I was on board the ship Jefferson, Captain Benjamin Robinson, which sailed from Boston in November of that year in a voyage to the northwest coast of America, and that while in Nootka Sound I saw there the sloop Washington, commanded by John Kendrick; and that I went on board the said Washington, and recollect that while I was on board, I saw on the deck of said sloop the Indian chief Maquinna, and other Indian chiefs, making sale of lands to the said Captain John Kendrick. I likewise saw Maquinna go up to the masthead and point to distant parts of the territory, apparently with the intention of giving possession; and he did give possession. The aforesaid sale of territory was made in the year of our Lord 1791, as near as I can recollect. The Spaniards had left Nootka sound about two months before this sale. The fort which the Spaniards had built had the appearance of having mounted twenty guns, which a seventy-four gun ship belonging to the Spaniards carried away.

his
JAMES × TREMERE.
mark.

Witness: B. B. TREMERE.

—

COMMONWEALTH OF MASSACHUSETTS, *Suffolk county*, } *ss.* *November* 1, 1838.

Sworn to by the said James Tremere before me,

S. E. SEWALL,
Justice of the Peace.

D.

Joseph Barrell to Colburn Barrell.

June 18, 1795.

When I mentioned the large tract of country on the north-west coast, I did not expect much would have been said at present on that account; but I will state to you what I know of the matter, and I will write Mr. John Hoskins, who is now in France, and who has been on the land, and am sure the accounts he will give of the climate and produce of it must be pleasing to any one that may seriously wish to purchase. The deeds of these lands are yet in China, where, I understand, they are registered in the office of the American consul. They are from the chief of the country and contain all the authenticity that could be given of four degrees of latitude, or two hundred and forty miles square. This tract was purchased by Captain John Kendrick for the owners of the ship Columbia and sloop Washington, the first American vessels that ever went round the world. Of this concern I owned something more than two-seventh parts, and of course am entitled to that proportion of the land; the deeds of this land have been since recognized by the natives upon the claim of Mr. Meares. Mr. Hoskins was there on the spot, and heard the chiefs declare they had never sold any of their lands but this tract to Kendrick, which they declared they would abide by. * * * The Congress of the United States, nor any other power in the world, that I know of, claims any jurisdiction over them, and I suppose the title as good as can be given by uncivilized people.

E.

Circular of Barrell and Servantes, published in four European languages, and extensively circulated.

LONDON, *August* 31, 1795.

SIR: We have taken the liberty to address this circular to your Excellency as a specimen of one of our recent operations. We are forwarding the same to all parts of Europe; and as the great object of our office and manifest tendency of all our proceedings are to promote the prosperity of the United States, we assure ourselves they will meet your Excellency's approbation, and are therefore encouraged to solicit the honor of your countenance.

We are, with the highest respect, sir, your most obedient and humble servants,

BARRELL & SERVANTES.

TO THE INHABITANTS OF EUROPE.

The era of reason is now dawning upon mankind, and the restraints on men's laudable endeavors to be useful will cease. The agents for the sale

of American lands, therefore, take this method of informing all classes of men in Europe that by application at their office, No. 24 Threadneedle street, London, they may meet objects worthy of their serious attention. That such as wish to hold lands (though aliens) in America, may purchase to any amount, on very low terms, and a perfectly secure tenure. * *

That such as may be inclined to associate for settling a commonwealth on their own code of laws, on a spot of the globe no where surpassed in delightful situation, healthy climate and fertile soil, claimed by no civilized nation, and purchased under a sacred treaty of amity and commerce, and for a valuable consideration, of the friendly natives, may have the best opportunity of trying the result of such an enterprise.*

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No. 1.

To all emperors, kings, sovereign princes, states and regents, and to their respective officers, civil and military, and to all others whom it may concern:

I, GEORGE WASHINGTON, President of the United States of America, do make known that Robert Gray, captain of the ship called the Columbia, of the burden of about two hundred and thirty tons, is a citizen of the United States; and, as I wish that the said Robert Gray may prosper in his lawful affairs, I do request of all the before mentioned, and each of them, separately, where the said Robert Gray shall arrive with his vessel and cargo, that they will be pleased to receive him with kindness and treat him in a becoming manner; permitting him, on the usual tolls and expenses in passing and repassing, to navigate, pass and frequent their ports, passes and territories, to the end that he may transact his business where and in what manner he shall judge proper; and thereby I shall consider myself obliged.

In testimony whereof, I have caused the seal of the United States to be affixed to these [L. S.] presents, and have hereunto set my hand, at the city of New York, the sixteenth day of September, in the year of our Lord one thousand seven hundred and ninety.

G. WASHINGTON.

By the President: TH. JEFFERSON.

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No. 2.

COMMONWEALTH OF MASSACHUSETTS.

By his excellency John Hancock, Esq., governor of the commonwealth of Massachusetts.

TO ALL WHO SHALL SEE THESE PRESENTS—GREETING:

It is hereby made known that leave and permission has been given by the naval officers to Captain Robert Gray, master and commander of the ship Columbia, now lying at Boston, within this State, to depart from thence, and proceed with his ship and cargo on a voyage to the northwest coast of America; and that the said ship and cargo belong to Joseph Barrell, esquire, and others, gentlemen of character and reputation, citizens of this commonwealth, being one of the thirteen United States of America.

* In consequence of an expedition fitted out at Boston, North America, in the year 1787, Captain J. Kendrick, while prosecuting a voyage with the natives for furs, purchased of them, for the owners, a tract of delightful country, comprehending four degrees of latitude, or two hundred and forty miles square. The deeds are at present in China, and registered in the office of the American consul, and the agents are authorised to treat with any gentleman, or association, for the purchase of a tract of land, no where exceeded for fertility and climate, and which may, by a prudent management of some wise institution, become of the utmost importance.

Now, in order that the said master may prosper in his lawful affairs, it is earnestly requested and recommended to all who may see these presents, at whatever port and place said master, with his vessel and cargo, may arrive, that they would please to receive him, the said master, with goodness; afford him all such aid and assistance as he may need; and to treat him in a becoming manner, permitting him, upon paying the usual expenses in passing and repassing, to pass, navigate and frequent the ports, passes and territories wherever he may be, to the end that he may transact his business where and in what manner he shall judge proper, he keeping and causing to be kept by his crew on board, the marine ordinances and regulations of the place where he is trading.

Given under my hand and the seal of the commonwealth aforesaid, this twenty-fourth day of September, A. D. 1790, and in the fifteenth year of the independence of the United States of America. [L. S.]

JOHN HANCOCK.

By his excellency's command:

JOHN AVERY, Jr., *Secretary.*

No. 3.

UNITED STATES OF AMERICA.

District of Boston and Charlestown, in the Commonwealth of Massachusetts.

These certify all whom it may concern, that Robert Gray, master and commander of the ship Columbia, burden two hundred and twelve tons or thereabouts, navigated with thirty men, mounted with ten guns, has permission to depart from this port with the following articles, viz: two thousand bricks, six chaldrons sea coal, one hundred and thirty-five barrels beef, sixty barrels pork, three hogsheads N. E. rum, two hogsheads W. I. rum, five hogsheads molasses, five barrels sugar, ten boxes chocolate, two hundred and twenty-eight pounds coffee, seventy-two pounds Bohea tea, six casks rice, twenty barrels flour, twenty-seven thousand pounds bread, six firkins butter, five hundred pounds cheese, thirty barrels tar, thirteen barrels pitch, thirty packages of merchandise, six tons bar iron, twenty hundred bar lead, fifteen hundred pounds gunpowder, three hundred pounds small shot.

Given under our hands and seals at Boston aforesaid, the twenty-fifth day of September, in the year of our Lord one thousand seven hundred and ninety.

B. LINCOLN, *Collector.* [L. S.]

JAMES LOVELL, *Naval Officer.* [L. S.]

G—1.

BOSTON, *November* 28, 1816.

SIR: In consideration of a desire expressed by the President, that search should be made for proofs of Captain Kendrick having purchased lands of the Indians on the north-west coast of America, I have examined Mr. Barrell's papers, and made inquiry of several persons who have been on the coast, all which proves in the most satisfactory manner that Captain Kendrick did make several purchases of the Indians, of lands on that coast for the owners of the Columbia and Washington, whose vessels were under his command. Captain Kendrick's letters and those of Mr. Howell, who was with him until he died, and who took possession of all his papers, deeds, &c., explicitly declare, that Captain Kendrick made several purchases of lands from the Indians about Nootka sound, and for a distance of four degrees, and that there were regular deeds drawn up, and signed by a number of Indian chiefs, conveying those lands to the owners of those vessels. These facts are corroborated by the evidence of several persons now here, some of whom were present, as they state, when possession was given to Captain Kendrick by the chiefs, and who saw the deeds, and heard the In-

dians acknowledge that they had sold large tracts of lands to Captain Kendrick, and afterwards say, that they had never sold lands to any other person. The lands were taken possession of with much formality, the American flag hoisted, a bottle sunk in the ground, &c., and many chiefs present at the ceremony.

From a variety of circumstances, the deeds for the above lands never reached this place. Mr. Howell, who had them in his possession, after the death of Captain Kendrick, writes from Macao in 1796, to Mr. Barrell, in reply to a letter of Mr. Barrell, in which he requests him to send forward the deeds, says, that he then had the deeds, tha tthey are recorded there by a notary public and triplicates made out, and that the originals shall be sent forward. As late as May, 1798, Mr. Howell writes to Mr. Barrell from Manilla, that "he is in daily expectation of his papers, and among them your deeds of the lands on the north-west coast; you shall certainly have them transmitted." The officer of the ship Columbia who first landed, and by orders of his commander took possession at Columbia river is now here, and recollects all the circumstances of hoisting the American flag, and planting some New England pine-tree shillings under a tree, naming the river after the ship, and the two capes, one the Hancock, the other Adams, &c. It is believed that the deeds of this land were registered in the consulate at Canton, as Colonel Perkins thinks he saw them there in the hands of Mr. Randall, vice consul. Should the government deem it proper to make further inquiry into this business, much evidence can be found here to substantiate the above statement, and the owners are taking means to procure from China or from Bengal, where Howell is supposed to have died, the original deed or authenticated copies of them; they are desirous of giving all aid to the government. I would, with due diffidence, submit to your consideration, whether the best way to obtain well authenticated evidence, would not be to require Judge Davis of this district, who from his disposition to make researches into such things, is better qualified than perhaps any person here to make such inquiries as government may think requisite to be made; I do not propose this to avoid trouble, feeling myself bound to render any service in my power. I shall gratefully receive your commands, being with very high respect, your obedient servant,

B. JOY.

Hon. JAMES MONROE, Esq.
Secretary of State.

G—2.

WASHINGTON, *December* 1, 1817.

DEAR SIR: I shall deem it a particular favor if you will have the goodness to forward to me as soon as you conveniently can, copies of the papers relating to the purchase of lands from the Indians on the north-west coast of America, and of the journal of the vessel, which you were good enough to lend me for my perusal when I had last the pleasure of seeing you at Boston.

I am with great respect, dear sir, your very obedient servant,

JOHN QUINCY ADAMS.

CHARLES BULFINCH, Esq., *Boston.*